STATE OF SOUTH CAROLINA	)	
	)	ORDINANCE NO: 20-21-780
COUNTY OF EDGEFIELD	)	

## AN ORDINANCE ADOPTING A NINETY DAY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR LAND USE, DEVELOPMENT, OR SUBDIVISION CONCEPT PLANS, AND TO PROVIDE FOR AN IMMEDIATE EFFECTIVE DATE

WHEREAS, Edgefield County Council ("Council") is empowered to enact ordinances for the implementation and enforcement of powers granted to Council pursuant to Sections 4-9-30 (9) and (17), S.C. Code Ann., as amended and to exercise such other powers as necessary to promote the health, safety and welfare of Edgefield County.

WHEREAS, in June 2019, pursuant to state statute and its enumerated powers, Council passed and approved a County Comprehensive Plan ("Plan") for the future growth and development of Edgefield County; and,

WHEREAS, the Edgefield County Planning Commission ("Commission"), per statutory authority, and with professional assistance, promptly began the process of developing a revised Land Management and Zoning Ordinance ("LMO") for Edgefield County; and,

WHEREAS, in **July** 2020, due to the spread of the COVID virus and emergency declarations by the Governor of the State of South Carolina regarding public health and safety, Council called for a temporary halt of the LMO Development evaluation and rollout process; and

WHEREAS, the Plan contained zoning recommendations for the whole county which would be incorporated into any proposed LMO; and,

WHEREAS, currently areas of the County are not zoned, but may become zoned and contain development restrictions upon passage of the LMO; and,

WHEREAS, while the Planning Commission is debating and assessing issues in the LMO, land developers may attempt to develop unzoned property contrary to the County Comprehensive Plan and any proposed zoning ordinances; and,

WHEREAS, said uncontrolled growth and development could overwhelm the transportation and drainage capacity of Edgefield County in the short and long term; and, WHEREAS, it is in the best interest of the citizens of those areas and the whole county to have a say in Planning Commission approval of any land development for the County; and, WHEREAS, the Commission desires time to adequately discuss, debate and possibly implement LMO regulations along with countywide zoning,

NOW THEREFORE BE IT ENACTED BY THE EDGEFIELD COUNTY COUNCIL THAT:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the County Council's initial findings of fact in support of the moratorium established by this Ordinance. Council also finds that this ordinance will:

- (A) Provide the County and the Commission with an opportunity to provide time to draft and adopt amendments to the LMO and zoning ordinances.
- (B) Temporarily prevent submission of new development projects that may ultimately be in conflict with the adopted County Comprehensive Plan.
- (C) Continue to provide the development community with predictability by allowing previously approved development proposals to advance through the review and permitting process.

## Section 2. Moratorium Imposed.

- (A) As of the date of the passage of this Ordinance, there is hereby imposed a moratorium on the acceptance by the Edgefield Building and Planning Department ("Department") of applications as enumerated in Sections 24-242(1) (a) and (b) of the Edgefield County Code of Ordinances to develop or to alter use of land.
- (B) The duration of this moratorium shall be until Edgefield County adopts a revised Land Management Ordinance or until the expiration of ninety (90) days from enactment of this Ordinance, whichever occurs first. Council, may by Resolution, extend this moratorium for a single additional period of 90 days or until the revised Land Management Ordinance is adopted, whichever occurs first, provided Council finds that the Commission is in good faith preparing to submit a revised LMO during this period to Council. At the end of this period, said moratorium shall automatically expire unless sooner repealed.
- (C) This moratorium shall have no effect upon approvals or permits previously issued or submitted prior to the introduction of this Ordinance or the pending of this Ordinance on the Council agenda. The provisions of this Ordinance shall not affect the issuance of permits or site plan reviews that have received preliminary or final plat approval by the Commission or Department.
- (D) This moratorium shall also operate as a stay on the time period requirements for the reconsideration of any denied permits under Section 24-245 of the Edgefield County Code of Ordinances.
- (E) As of the effective date of this Ordinance, or date outlined in Section 3, below, no application for development or permits may be accepted by the Department, its agents or employees until the termination of the moratorium. Any permit accepted for filing will be deemed in error, null and void and of no effect whatsoever.
- Section 3. Vested Rights. The moratorium imposed in Section 2 of this Ordinance shall not apply to any rights that have vested prior to the effective date of this Ordinance.
- Section 4. Pending Ordinance. Under the pending ordinance doctrine, this Ordinance shall be effective after advertisement for a public hearing.
- Section 5. Severability. To the greatest extent allowed by law, each and every section, paragraph or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application; and to this end, the provisions of this Ordinance are severable.
- Section 6. The preamble to this Ordinance shall be considered to be and is incorporated by reference as if fully set out herein as part of this Ordinance.

<b>Edgefield County Council</b>	
Scott Cooper, Chair	
ATTEST:	
Tax Potts, Clerk to Council First Reading: Second Reading: Third Reading:	-